

<b>Report To:</b>	<b>LICENSING SUB-COMMITTEE</b>
<b>Date:</b>	<b>11<sup>TH</sup> JANUARY 2023</b>
<b>Heading:</b>	<b>APPLICATION TO REVIEW A PREMISES LICENCE: BUY &amp; SAVE (7 TILL 10), 7 HIGH STREET, STANTON HILL, NOTTINGHAMSHIRE, NG17 3GG</b>
<b>Executive Lead Member:</b>	<b>DEPUTY LEADER – OUTWARD FOCUS</b>
<b>Ward/s:</b>	<b>STANTON HILL &amp; TEVERSAL</b>
<b>Key Decision:</b>	<b>NO</b>
<b>Subject to Call-In:</b>	<b>NO</b>

## **Purpose of Report**

For Members to consider evidence produced at a public hearing taking into account the details contained within this report and any representations made at this meeting for an application to Review a Premises Licence in relation to Buy & Save (7 Till 10); and to determine the application by taking such of the steps set out below as the Committee considers necessary for the promotion of the licensing objectives.

## **Recommendation(s)**

Members having regard to the application and any relevant representations, take such of the following steps (**if any**) as they consider appropriate for the promotion of the licensing objectives:

- a) to modify the conditions of the Premises Licence;**
- b) to exclude a licensable activity from the scope of the Premises Licence;**
- c) to suspend the Premises Licence for a period not exceeding three months;**
- e) to revoke the Premises Licence.**

and for this purpose the conditions of the Premises Licence are modified if any of them are altered or omitted or any new condition is added.

Where the Sub-Committee decide to take a step mentioned in (a) or (b) above, it may provide that the modification or exclusion is to have effect for only such period (not exceeding three months) as it may specify.

Otherwise the modification of conditions or the exclusion of a licensable activity will be permanent.

## **Reasons for Recommendation(s)**

Members must consider all evidence offered at the Hearing and make an unbiased decision on the evidence offered. In making any decision, Members must also have regard to the Home Office statutory guidance issued under section 182 of the Licensing Act 2003 (which can be found online at):

[https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment\\_data/file/705588/Revised\\_guidance\\_issued\\_under\\_section\\_182\\_of\\_the\\_Licensing\\_Act\\_2003\\_\\_April\\_2018\\_.pdf](https://assets.publishing.service.gov.uk/government/uploads/system/uploads/attachment_data/file/705588/Revised_guidance_issued_under_section_182_of_the_Licensing_Act_2003__April_2018_.pdf)

and the Council's own Statement of Licensing Policy (which can be found online at):  
<https://www.ashfield.gov.uk/media/5265/statement-of-licensing-policy-2019-2024.pdf>

## **Alternative Options Considered**

None

## **Detailed Information**

The Licensing Act 2003 came in to force in September 2005. It passed the powers to the Local Authority to licence premises for any of the following licensable activities :

- **The sale by retail of alcohol;**
- **The supply of alcohol by or on behalf of a club or to the order of a member of the club;**
- **The provision of regulated entertainment; and**
- **The provision of late night refreshment.**

The licensing objectives are:

- **The prevention of crime and disorder;**
- **Public safety;**
- **The prevention of public nuisance; and**
- **The protection of children from harm.**

Each objective is of equal importance. There are no other statutory licensing objectives, so that the promotion of the four objectives is a paramount consideration at all times. However, the legislation also supports a number of other key aims and purposes. These are vitally important and should be principal aims for everyone involved in licensing work.

Section 51 of the 2003 Act, allows interested persons, and responsible authorities, to make representations in favour or against the review of a premises licence / club premises certificate. All review applications must be determined by a Licensing Committee or Sub-Committee Hearing.

## **Other Relevant Considerations**

The Sub-Committee is reminded of its responsibilities under the Crime and Disorder Act 1998 (to co-operate in the reduction of crime and disorder in the Ashfield District) and the Human Rights Act (which guarantees the right to a fair hearing for all parties in the determination of their civil rights, and also provides for the protection of property, which may include licences in existence, and the protection of private and family life) when considering the fair balance between the interests of the all parties to this Hearing.

Any decision taken by the Sub-Committee must be necessary and proportionate to the objectives being pursued.

Members are reminded that whenever they make a decision under the Licensing Act 2003, they have a duty to act with a view to promoting the licensing objectives.

When considering any representations, only those issues relating to the four licensing objectives should be considered and appropriate weight given to the importance and relevance of each representation.

Members should note that the applicant or persons making representations have the right of appeal against the decision made by the Sub-Committee.

## **Summary of Application**

On 16<sup>th</sup> November 2022, the Licensing Authority received an application from Nottinghamshire Police to review the Premises Licence held by Mr Ravidu Hewa Wadege for Buy & Save (7 Till 10), 7 High Street, Stanton Hill, Nottinghamshire, NG17 3GG following an accumulation of incidents that the Police believes show that the Premises Licence holder has failed to uphold the licensing objectives of:

- **The prevention of crime and disorder**
- **The promotion of public safety**
- **The protection of children from harm**

and that these incidents relate to a failure by those responsible for the establishment to comply with the conditions attached to the current Premises Licence, and to ensure the lawfulness of the goods being sold.

The application submitted by Nottinghamshire Police is attached at **Appendix A**. Within the application are detailed a list of interventions and contraventions that have required Police action.

Following receipt of the application from Nottinghamshire Police, representations were received from both the Council's Environmental Health Service (attached at **Appendix B**) and Nottinghamshire Fire Service (attached at **Appendix C**) detailing interventions those Responsible Authorities have had with the Premises Licence Holder.

A copy of the current Premises Licence currently in force is attached at **Appendix D** to assist all parties; and a map detailing the general location of the premises is attached at **Appendix E**.

During the 28 day representation period the Licensing Team received no representations from any Interested Parties in support of or in opposition to the Review application.

## **Implications**

### **Corporate Plan:**

Licensing Act 2003 is a statutory duty of the Council.

Ensuring that Premises and Clubs operate with the correct Licence, having regard to the

Council's Statement of Licensing Policy on alcohol, regulated entertainment, and late refreshment licensing, will contribute towards the reduction of crime and disorder within the district and to improve community safety and environmental quality.

**Legal:**

Legal advice will be given at the hearing.

**Finance:**

No financial implications for the Council.

This report is effective from 11<sup>th</sup> January 2022 and has the following financial implications:

<b>Budget Area</b>	<b>Implication</b>
General Fund – Revenue Budget	None
General Fund – Capital Programme	None
Housing Revenue Account – Revenue Budget	None
Housing Revenue Account – Capital Programme	None

**Risk:**

<b>Risk</b>	<b>Mitigation</b>
It is important that due process is followed in considering this application to ensure that the correct decision is reached which could not be challenged on the grounds that the specified procedures have not been followed.	The hearing has been organised to ensure that due process is followed, with appropriate support from the Council's legal representative to ensure this.

**Human Resources:**

There are no direct HR implications contained within this report

**Environmental/Sustainability**

Statutory requirement of the Licensing Act 2003, there no diversity or equality implications.

**Equalities:**

There are no equalities implications contained within this report.

**Other Implications:**

None

**Reason(s) for Urgency**

Not applicable

**Reason(s) for Exemption**

Not applicable

## **Background Papers**

**Appendix A:** Review Application

**Appendix B:** Representation from Environmental Health

**Appendix C:** Representation from Fire Service

**Appendix D:** Premises Licence

**Appendix E:** Location Map

## **Report Author and Contact Officer**

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